

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION**

LEXI HONEYCUTT, MELISSA)	
MILTENBERGER, PAULA MULLENIX,)	
SHELBY SPRINGER, KELLEY STAMBAUGH,)	
and ALLISON TITUS,)	
)	
Plaintiffs,)	
)	
vs.)	CASE NO.
)	
CABINS FOR YOU, LLC, SCOTT & JENN)	
OSBORNE, LLC, SCOTT OSBORNE, and)	
JENN OSBORNE,)	
)	
Defendants.)	

COMPLAINT FOR DAMAGES AND REQUEST FOR JURY TRIAL

Plaintiffs, Lexi Honeycutt, Melissa Miltenberger, Paula Mullenix, Shelby Springer, Kelley Stambaugh and Allison Titus, by counsel, respectfully submit their Complaint for Damages and Request for Jury Trial against the Defendants, Cabins For You, LLC, Scott & Jenn Osborne, LLC, Scott Osborne, and Jenn Osborne, and assert the following:

PARTIES, JURISDICTION, AND VENUE

1. Complete diversity of the parties exists. “For diversity jurisdiction purposes, the citizenship of an LLC is the citizenship of each of its members.” *Thomas v. Guardsmark, LLC*, 487 F.3d 531, 534 (7th Cir. 2007). “Consequently, an LLC’s jurisdictional statement must identify the citizenship of each of its members as of the date of the complaint or notice of removal was filed, and, if those members have members, the citizenship of those members as well.” *Id.*

2. At all times relevant herein, the Plaintiffs, Lexi Honeycutt, Melissa Miltenberger, Paula Mullenix, Shelby Springer, Kelley Stambaugh, and Allison Titus, currently reside in Indiana and are citizens of Indiana.

3. As of the date of Plaintiffs' Complaint, Defendant Cabins For You, LLC is a limited liability company organized and existing under the laws of the State of Georgia, with its principal place of business in Tennessee. Cabins For You, LLC has three members: Ashely Woodward, Allyson Whatley, and Greg Plimpton. Ashely Woodward, Allyson Whatley, and Greg Plimpton are citizens of Tennessee. Its registered agent is Greg Plimpton of Gatlinburg, Tennessee. For the purposes of establishing diversity of citizenship, Defendant Cabins For You, LLC is a citizen of Georgia and Tennessee.

4. As of the date of Plaintiffs' Complaint, Defendant Scott & Jenn Osborne, LLC is a limited liability company organized and existing under the laws of the State of Pennsylvania and with its principal place of business in Pennsylvania. Scott & Jenn Osborne, LLC has two members: Scott Osborne and Jenn Osborne. Both are citizens of Pennsylvania. For the purposes of establishing diversity of citizenship, Defendant Scott & Jenn Osborne, LLC is a citizen of Pennsylvania.

5. As of the date of Plaintiffs' Complaint, Defendant Scott Osborne, individually, is a citizen of Pennsylvania.

6. As of the date of Plaintiffs' Complaint, Defendant Jenn Osborne, individually, is a citizen of Pennsylvania.

7. Because there is complete diversity between and amongst the parties in that the Plaintiffs do not share a state of citizenship with any Defendant, and the amount in controversy

exceeds \$75,000.00, Plaintiffs respectfully request this Court exercise its subject matter jurisdiction over this diversity claim.

8. Venue is proper in that the events and/or omissions giving rise to this claim occurred in the Eastern District of Tennessee.

9. At all times relevant herein, Defendant Scott & Jenn Osborne, LLC and/or Defendants Scott Osborne and Jenn Osborne owned, rented, managed, and/or operated a cabin located at 869 Chestnut Drive, Gatlinburg, Tennessee 37738 (“The Cabin”).

10. At all times relevant herein, The Cabin was rented, managed, and/or operated by Defendant, Cabins For You, LLC.

11. At the time of the events occurring on May 22, 2021, Plaintiff, Paula Mullenix, rented The Cabin from Defendant Scott & Jenn Osborne, LLC and/or Defendants Scott Osborne and Jenn Osborne through Cabins For You, LLC.

12. At the time of the events occurring on May 22, 2021, Plaintiffs Lexi Honeycutt, Melissa Miltenberger, Shelby Springer, Kelley Stambaugh and Allison Titus, were guests at The Cabin.

GENERAL ALLEGATIONS

13. Plaintiffs reassert, reallege, and incorporate paragraphs one (1) through twelve (12) herein by reference.

14. Plaintiffs, Lexi Honeycutt, Melissa Miltenberger, Paula Mullenix, Shelby Springer, Kelley Stambaugh and Allison Titus, were present in The Cabin for the weekend May 20 – May 23, 2021.

15. Plaintiffs were subjected to carbon monoxide present in The Cabin for the entirety of their stay beginning on May 20, 2021.

16. The Cabin had a gas water heater which was the source of the carbon monoxide present in the Cabin.

17. The Cabin had a carbon monoxide detector which did not provide an alarm to alert the Plaintiffs of the elevated carbon monoxide levels.

18. Previously, on May 13, 2021, Gatlinburg Fire Department had responded to a carbon monoxide alarm at The Cabin, and a carbon monoxide reading of 5000-6000 PPM was recorded.

19. The Gatlinburg Fire Department concluded the water heater was the source of the May 13, 2021 carbon monoxide alarm and contacted the Defendant Jenn Osborne of Scott & Jenn Osborne, LLC, to report its findings.

20. Multiple similar carbon monoxide incidents in the weeks prior to Plaintiffs' stay had occurred at The Cabin providing notice to the Defendants of an extremely dangerous condition on the property.

21. Defendants knew or should have known of the prior incidents and dangerous levels of carbon monoxide that existed at The Cabin.

22. On May 22, 2021, as a result of being subjected to high levels of carbon monoxide in The Cabin, the Plaintiffs began experiencing severe symptoms of carbon monoxide poisoning, including nausea, vomiting, headaches, dizziness, and seizures.

23. Blood tests revealed that the Plaintiffs, each of them, had dangerously elevated levels of carbon monoxide present in their blood after the Carbon Monoxide exposure on May 20-22, 2021 at The Cabin.

24. The Plaintiffs, each of them, have sustained permanent injury from the carbon monoxide poisoning event on May 20-22, 2021.

**NEGLIGENCE OF DEFENDANTS SCOTT & JENN OSBORNE, LLC, CABINS
FOR YOU, LLC, SCOTT OSBORNE, AND JENN OSBORNE**

25. Plaintiffs reassert, reallege, and incorporate paragraphs one (1) through twenty-four (24) herein by reference.

26. The Defendants Scott & Jenn Osborn, LLC, Cabins For You, LLC, Scott Osborne, and Jenn Osborne were responsible for providing a reasonably safe and habitable residence to the Plaintiffs.

27. The Defendants Scott & Jenn Osborn, LLC, Cabins For You, LLC, Scott Osborne, and Jenn Osborne had notice and opportunity to inspect and remedy The Cabin after similar prior incidents.

28. The Defendants Scott & Jenn Osborn, LLC, Cabins For You, LLC, Scott Osborne, and Jenn Osborne were careless and negligent in one or more of the following respects:

- a. Failing to maintain The Cabin in a safe and habitable condition for residents;
- b. Failing to inspect The Cabin and water heater for dangerous conditions;
- c. Failing to monitor for the presence of carbon monoxide in The Cabin including providing operational carbon monoxide detectors;
- d. Failing to remedy the condition after similar incidents, including but not limited to the incident on May 13, 2021;
- e. Failing to maintain the water heater in a safe working condition; and,
- f. Creating a dangerous condition through the defective water heater and/or water heater installation methods which then emitted dangerous levels of carbon monoxide into the cabin.

29. As a direct and proximate cause of the Defendants' negligence, Plaintiffs, Lexi Honeycutt, Melissa Miltenberger, Paula Mullenix, Shelby Springer, Kelley Stambaugh, and Allison Titus, suffered severe and permanent injuries, endured great physical pain and mental suffering, incurred substantial medical expenses, lost wages, and will continue to incur such losses in the future.

WHEREFORE, Plaintiffs, Lexi Honeycutt, Melissa Miltenberger, Paula Mullenix, Shelby Springer, Kelley Stambaugh and Allison Titus, pray for a judgment against Defendants, Scott & Jenn Osborne, LLC, Cabins For You, LLC, Scott Osborne, and Jenn Osborne, in an amount which will fully and fairly compensate them for injuries and damages, for costs of this actions, for interest as allowed by law, and for all other just and proper relief in the premises.

Respectfully submitted,

FOX FARLEY WILLIS & BURNETTE

s/Bradley C. Burnette

Bradley C. Burnette, # 024341

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REQUEST FOR TRIAL BY JURY

Plaintiffs, Lexi Honeycutt, Melissa Miltenberger, Paula Mullenix, Shelby Springer, Kelley Stambaugh and Allison Titus, by counsel, respectfully request that this matter be tried by a jury.

Respectfully submitted,

FOX FARLEY WILLIS & BURNETTE

s/Bradley C. Burnette

Bradley C. Burnette, # 024341

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